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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,710	12/14/2001	Jan Bertrem	CM2147M	9841

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EXAMINER	
MRUK, BRIAN P	

ART UNIT	PAPER NUMBER
1751	

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/020,710	BERTREM ET AL.	
	Examiner	Art Unit	
	Brian P Mruk	1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 July 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,7-9 and 16-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,7-9 and 16-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office action is in response to Applicant's amendment filed July 29, 2004. Applicant has amended claims 1 and 20. Claims 10-15 and 30 have been cancelled. Currently, claims 1-4, 7-9 and 16-29 remain pending in the application.

2. The text of those sections of Title 35 U.S. Code not included in this action can be found in the prior Office actions, Paper Nos. 6 and 12.

3. The rejection of claims 1-4 and 7-30 under 35 U.S.C. 112, second paragraph, is withdrawn in view of applicant's amendments and remarks.

4. The rejection of claims 1-4, 7-10 and 16-19 under 35 U.S.C. 102(a) as being anticipated by Pace et al, EP 919,610 A1, is withdrawn in view of applicant's amendments and remarks.

5. The rejection of claims 1-4, 7-10, 12 and 19 under 35 U.S.C. 102(b) as being anticipated by Willey et al, WO 97/33963, is withdrawn in view of applicant's amendments and remarks.

6. The rejection of claims 1-4, 7-10, 12, 16 and 18 under 35 U.S.C. 102(b) as being anticipated by Fusiak et al, WO 95/00611, is withdrawn in view of applicant's amendments and remarks.

7. The rejection of claims 1-4, 7-10, 12, 16-17 and 19 under 35 U.S.C. 102(b) as being anticipated by Aronson et al, U.S. Patent No. 4,368,146, is withdrawn in view of applicant's amendments and remarks.

8. The rejection of claims 1-4, 7-14 and 19 under 35 U.S.C. 102(b) as being anticipated by Spruyt et al, WO 97/03180, is withdrawn in view of applicant's amendments and remarks.

9. The rejection of claims 11-12 under 35 U.S.C. 103(a) as being unpatentable over Pace et al, EP 919,610 A1, is withdrawn in view of applicant's cancellation of claims 11-12.

10. The rejection of claims 1-4, 7, 9-11, 13 and 19 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of copending Application No. 10/020,600, is withdrawn in view of applicant's abandonment of Application No. 10/020,600.

11. The rejection of claims 1-4 and 7-30 under 35 U.S.C. 102(a) as being anticipated by Gordon et al, EP 859,045, is withdrawn in view of applicant's amendments and remarks.

NEW GROUNDS OF REJECTION

Claim Rejections - 35 USC § 112

12. Claims 1-4, 7-9 and 16-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

13. The phrase "consisting essentially of a single essential ingredient, comprising" in instant claims 1 and 20 renders the claims vague and indefinite. The phrase "consisting essentially of a single essential ingredient, comprising" renders the claim indefinite, since one of ordinary skill in the art would not be able to ascertain the metes and bounds of the phrase "consisting essentially of a single essential ingredient, comprising". Specifically, it is unclear how the transitional phrase "consisting essentially of one essential ingredient" excludes additional ingredients that materially affect the basic and novel characteristics of the composition, when the phrase is followed by the term "comprising", which is open to any additional ingredient. *See* ***MPEP 2111.03***. The examiner suggests that the phrase "consisting essentially of a single essential ingredient, comprising" should be amended to recite "consisting essentially of a

substantive polymer, a surfactant, water..." to render the claim definite. Appropriate correction and/or clarification is required.

14. Instant claims 2-4, 7-9, 16-19 and 21-29 are rejected under 35 U.S.C. 112, second paragraph, for being dependent upon a claim with the above addressed 112 problem.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

16. Claims 1-4, 7-9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pace et al, EP 919,610.

Pace et al, EP 919,610 A1, discloses a liquid acidic composition for cleaning a hard surface comprising an acid, 0.001-20% by weight of a polysaccharide polymer and 0.001-20% by weight of a vinylpyrrolidone homopolymer or copolymer (page 3, lines 24-30). Specifically, note Examples 13-18, which discloses hard surface cleaning compositions comprising 0.01-0.2% by weight of GAFQUAT 755 (i.e. a vinylpyrrolidone/dialkylaminoalkyl methacrylate copolymer), water, and various surfactants (i.e. Lutensol TO 6 and Empigen BB/L). Furthermore, note that Pace et al discloses that the compositions are used to clean hard surfaces by dispensing the

compositions from a spray bottle, rinsing the surface with water 30 seconds after application, and leaving the surface to dry (page 13, lines 20-32). Although Pace et al is silent with respect to the "modifying the surface to render it hydrophilic, providing a contact angle between water and the surface of less than about 50 degrees" limitations in instant claims 1-2 and the "adhering to the surface for at least 1-5 rinses" limitations in instant claims 3-4, the examiner asserts that the GAFQUAT 755 polymer disclosed by Pace et al would inherently meet these limitations, absent a showing otherwise. Furthermore, the examiner notes that applicant's own disclosure on page 6, lines 21-24 states that GAFQUAT 755 is a preferred surface substantive polymer which is capable of meeting the limitations of instant claims 1-4. It is further taught by Pace et al that the composition may further contain dyes, perfumes, bactericides, and stabilizers (see page 8, lines 33-35). Although Pace et al generally discloses a hard surface cleaning composition containing dyes, perfumes, bactericides, and stabilizers, the reference does not require such hard surface cleaning compositions containing these components with sufficient specificity to constitute anticipation.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to have formulated a hard surface cleaning composition, as taught by Pace et al, which contained dyes, perfumes, bactericides, and stabilizers, because such hard surface cleaning compositions fall within the scope of those taught by Pace et al. Therefore, one of ordinary skill in the art would have had a reasonable expectation of success, because such a hard surface cleaning composition containing dyes, perfumes,

bactericides, and stabilizers is expressly suggested by the Pace et al disclosure and therefore is an obvious formulation.

17. Claims 1-4, 7-9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Willey et al, WO 97/33963.

Willey et al, WO 97/33963, discloses a glass cleaning composition comprising an amine oxide polymer, a solvent and surfactants (page 2, lines 2-8). Specifically, note Example II, Formulas 3-7, which disclose compositions comprising 0.1-0.3% by weight of PVNO (i.e. a polyvinyl pyridine N-oxide polymer), various surfactants, and isopropanol/ethanol. Although Willey et al is silent with respect to the "modifying the surface to render it hydrophilic, providing a contact angle between water and the surface of less than about 50 degrees" limitations in instant claims 1-2 and the "adhering to the surface for at least 1-5 rinses" limitations in instant claims 3-4, the examiner asserts that the PVNO polymer disclosed by Willey et al would inherently meet these limitations, absent a showing otherwise. Furthermore, the examiner notes that applicant's own disclosure on page 7, lines 4-7 states that PVNO is a preferred surface substantive polymer which is capable of meeting the limitations of instant claims 1-4. It is further taught by Willey et al that the composition may further contain colorants, perfumes, antibacterial agents, and stabilizing agents (see page 13, line 24-page 14, line 24). Although Willey et al generally discloses a glass cleaning composition containing colorants, perfumes, antibacterial agents, and stabilizing agents, the reference does not require such glass cleaning compositions containing these components with sufficient specificity to constitute anticipation.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to have formulated a glass cleaning composition, as taught by Willey et al, which contained colorants, perfumes, antibacterial agents, and stabilizing agents, because such glass cleaning compositions fall within the scope of those taught by Willey et al. Therefore, one of ordinary skill in the art would have had a reasonable expectation of success, because such a glass cleaning composition containing colorants, perfumes, antibacterial agents, and stabilizing agents is expressly suggested by the Willey et al disclosure and therefore is an obvious formulation.

18. Claims 1-4, 7-9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aronson et al, U.S. Patent No. 4,368,146.

Aronson et al, U.S. Patent No. 4,368,146, discloses a dishwashing composition comprising an anionic/nonionic surfactant, and a copolymer of N-vinylpyrrolidone and dimethylaminoethylmethacrylate (see abstract). Specifically, note Example 1, Tables 1-3, which disclose a dishwashing detergent composition comprising 0.21-10% by weight of GAFQUAT-734 (i.e. a copolymer of N-vinylpyrrolidone and methylamino-ethylmethacrylate), various surfactants, and ethanol. Although Aronson et al is silent with respect to the "modifying the surface to render it hydrophilic, providing a contact angle between water and the surface of less than about 50 degrees" limitations in instant claims 1-2 and the "adhering to the surface for at least 1-5 rinses" limitations in instant claims 3-4, the examiner asserts that the GAFQUAT-734 polymer disclosed by Aronson et al would inherently meet these limitations, absent a showing otherwise. Furthermore, the examiner notes that applicant's own disclosure on page 6, lines 21-24

states that GAFQUAT-734 is a preferred surface substantive polymer which is capable of meeting the limitations of instant claims 1-4. It is further taught by Aronson et al that the composition may further contain perfumes, dyes, and bactericides (see col. 8, lines 31-52). Although Aronson et al generally discloses a dishwashing composition containing perfumes, dyes, and bactericides, the reference does not require such dishwashing compositions containing these components with sufficient specificity to constitute anticipation.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to have formulated a dishwashing composition, as taught by Aronson et al, which contained perfumes, dyes, and bactericides, because such dishwashing compositions fall within the scope of those taught by Aronson et al. Therefore, one of ordinary skill in the art would have had a reasonable expectation of success, because such a dishwashing composition containing perfumes, dyes, and bactericides is expressly suggested by the Aronson et al disclosure and therefore is an obvious formulation.

19. Claims 1-4, 7-9 and 16-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al, EP 859,045.

Gordon et al, EP 859,045, discloses a liquid hard surface cleaning composition comprising 0.1-5% by weight of a polyalkoxylene glycol (see page 3, lines 50-54), 0.001-20% by weight of a vinylpyrrolidone copolymer (see page 4, lines 51-54), and 0.1-20% by weight of adjunct ingredients, such as surfactants, chelants, solvents, and

radical scavengers (see page 8, lines 14-21), per the requirements of the instant invention. It is further taught by Gordon et al that the composition is used to treat hard surfaces, such as the exterior surface of a car (see page 17, lines 40-45), and that the composition may be applied via a spray dispenser (see page 16, line 53-page 17, line 14). Specifically, note Examples B, F and M, which disclose hard surface cleaning compositions containing the above mentioned ingredients at a pH of 7.5-8.5, per the requirements of the instant invention. Although Gordon et al is silent with respect to the "modifying the surface to render it hydrophilic, providing a contact angle between water and the surface of less than about 50 degrees" and "adhering to the surface for at least 1-5 rinses" limitations recited in the instant claims, the examiner asserts that the Polyquat 11 and PVP K60 polymers disclosed by Gordon et al would inherently meet these limitations, absent a showing otherwise. It is further taught by Gordon et al that the composition may further contain bactericides, colorants, stabilizers, dyes and perfumes (see page 8, lines 15-21). Although Gordon et al generally discloses a hard surface cleaning composition containing bactericides, colorants, stabilizers, dyes and perfumes, the reference does not require such hard surface cleaning compositions containing these components with sufficient specificity to constitute anticipation.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to have formulated a hard surface cleaning composition, as taught by Gordon et al, which contained bactericides, colorants, stabilizers, dyes and perfumes, because such hard surface cleaning compositions fall within the scope of those taught by Gordon et al. Therefore, one of ordinary skill in the art would have had a reasonable

expectation of success, because such a hard surface cleaning composition containing bactericides, colorants, stabilizers, dyes and perfumes is expressly suggested by the Gordon et al disclosure and therefore is an obvious formulation.

Response to Arguments

20. Applicant's arguments with respect to claims 1-4, 7-9 and 16-29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Mruk whose telephone number is (571) 272-1321. The examiner can normally be reached on Monday-Thursday from 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

BPM
Brian Mruk
October 13, 2004

Brian P. Mruk
Brian P. Mruk
Primary Examiner
Tech Center 1700